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PAGE 01 STATE 135636

54

ORIGIN ARA-20

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E.O. 11652: N/A

TAGS: PFOR, OAS, IA-ECOSOC

SUBJ: SCCN - REGULATIONS GOVERNING CONSULTATION PROCEDURES

REF: DEPTTEL 134009

1. AGREEMENT ON SUBJECT REGULATIONS WAS ACHIEVED AT
SPECIAL MEETING OF SCCN JUNE 17-20. U.S. ACHIEVED MAJOR
OBJECTIVE OF INTRODUCING INCREASED REALISM IN CONSULTATION
PROCESS BY HAVING EXPLICIT RECOGNITION IN REGULATIONS
THAT UNDER QUOTE EXCEPTIONAL CIRCUMSTANCES UNQUOTE IT
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PAGE 02 STATE 135636

MIGHT NOT BE ABLE TO COMPLY WITH PRIOR CONSULTATION

PROVISIONS.

2. U.S. POSITION WAS STRONGLY OPPOSED BY PERU ON GROUNDS THAT REM 1/70 WHICH ESTABLISHED SCCN AND CONSULTATION COMMITMENT REQUIRES QUOTE CONSULTATION BETWEEN THE U.S. AND THE LATIN AMERICAN COUNTRIES PRIOR TO THE ADOPTION BY THE FORMER OF MEASURES THAT MIGHT ADVERSELY AFFECT IMPORTS FROM LATIN AMERICA. UNQUOTE. PERUVIAN POSITION WAS THAT THIS PROVISION ADOPTED BY IA-ECOSOC DOES NOT ADMIT EXCEPTIONS AND THEREFORE SCCN DID NOT HAVE AUTHORITY TO PROVIDE AN EXCEPTION IN THE REGULATIONS. PERUVIAN DELEGATION APPEARS TO FEEL THAT EXCEPTION PROVIDES LOOPHOLE WHICH ENABLES U.S. TO AVOID PRIOR CONSULTATION WHENEVER IT CHOOSES TO DO SO. PERUVIAN OAS AMBASSADOR TOLD U.S.

DELEGATE THAT HIS COUNTRY PROPOSES TO RAISE THE QUESTION AT THE NEXT MEETING OF FOREIGN MINISTERS IN BUENOS AIRES.

3. REGULATIONS ARE SUBJECT TO RATIFICATION BY NEXT REGULAR MEETING OF IA-ECOSOC (PROBABLY EARLY 1975) AND WILL OPERATE PROVISIONALLY UNTIL RATIFIED. SOME DELEGATIONS WHICH SHARED PERUVIAN LEGAL POINT, INDICATED THAT THE QUESTION WILL BE RAISED AT THAT TIME. HOWEVER, WE BELIEVE THEY WILL BE SATISFIED WITH AN AFFIRMATION BY IA-ECOSOC THAT REGULATIONS ARE CONSISTENT WITH THE SPIRIT AND INTENT OF REM 1/70. U.S., IN ACCEPTING REGULATIONS, STATED THAT ACCEPTANCE IS CONDITIONED ON RETENTION OF SPECIAL PROCEDURES IN EXCEPTIONAL CASES, AND THAT IF THEY SHOULD BE WITHDRAWN, U.S. WOULD HAVE TO RECONSIDER ITS APPROVAL.

4. ACTION REQUESTED: EMBASSY MAY AT ITS DISCRETION, OR IF ASKED, EXPLAIN U.S. POSITION TO FOREIGN OFFICE. U.S. COMMITMENT TO REM 1/70 REMAINS UNCHANGED. WE REGARD CONSULTATIONS AS IMPORTANT INSTRUMENT FOR ADVANCING MUTUAL INTERESTS. TO INSURE EFFECTIVENESS OF THE INSTRUMENT WE BELIEVE REGULATIONS MUST REALISTICALLY FACE PROBLEM WE WOULD HAVE IN ASSURING PRIOR CONSULTATION IN ALL CASES. KISSINGER

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